

**NOTICE OF MEETING  
PLANNING AND ZONING COMMISSION  
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET  
PLANNING CONFERENCE ROOM  
DECEMBER 16, 2013, 5:00 P.M.  
WORK SESSION AGENDA**

Staff will present the following items:

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Monday, December 16, 2013.
2. Receive and discuss the Planning Director's Report containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code (UDC).

**NOTICE OF MEETING  
PLANNING AND ZONING COMMISSION  
CITY MUNICIPAL BUILDING, 2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS, 2<sup>ND</sup> FLOOR  
DECEMBER 16, 2013, 5:30 P.M.  
REGULAR MEETING AGENDA**

1. \_\_\_\_\_ Invocation
2. \_\_\_\_\_ Pledge of Allegiance

**A. CONSENT ITEMS**

All items listed under this section, Consent Agenda, are considered to be routine by the Planning & Zoning Commission and may be enacted in one motion. If discussion is desired by the Commission, any item may be removed from the Consent Agenda at the request of any Commissioner and will be considered separately.

**Item 1:** [Approval of Minutes](#): Work session and the regular meeting of December 2, 2013.

**B. ACTION ITEMS**

**Item 2:** [P-FY-13-06](#) – Consider and take action on the final plat of Eberhardt Subdivision, a 7.00 +/- acres, 2-lot, 1 block non-residential subdivision, being a replat of a portion of Temple Industrial Park Section Eight, Block One, within the City of Temple, Bell County, Texas, located east of Eberhardt Road and southwest of the BNSF Railroad and addressed as 3111 & 3289 Eberhardt Road.

**Item 3:** [Z-FY-14-11](#): Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (AG) to Single-Family Two District (SF2) on 115.33 +/- acres of land and from Agricultural District (AG) to General Retail District (GR) on 12.725 +/- acres, both being a portion of 128.05 acres of land, being part of the Baldwin Robertson Survey, Abstract 17, Bell County,

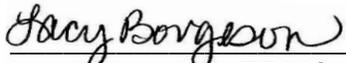
Texas, located on the east side of SH 317, north of the FM 2483 intersection, and extending to the west side of North Pea Ridge Road.

**Item 4:** [Z-FY-14-13](#): Hold a public hearing to discuss and recommend action on a Conditional Use Permit for a biodiesel manufacturing plant on Lot 1, Block 1, Temple Industrial Park Section Eight on 7.00 +/- acres, located at 3289 & 3111 Eberhardt Road.

**C. REPORTS**

**Item 5:** Receive and discuss the [Planning Director's Report](#) containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code. ***(continued, if not completed in Work Session)***

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:35 PM, on December 13, 2013.

  
\_\_\_\_\_  
Lacy Borgeson, TRMC  
City Secretary

**SPECIAL ACCOMMODATIONS: Persons with disabilities, who have communication or accommodation needs and desire to attend the meeting, should notify the City Secretary's Office by mail or by telephone 48 hours prior to the meeting.**

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2013. Title \_\_\_\_\_.

\_\_\_\_\_ Title: \_\_\_\_\_

**PLANNING AND ZONING COMMISSION  
TUESDAY, DECEMBER 3, 2013  
5:30 P.M.**

**PLANNING AND ZONING MEMBERS PRESENT**  
Vice-Chair Greg Rhoads

**COMMISSIONERS:**

James Staats                      Blake Pitts  
Patrick Johnson                 David Jones  
Omar Crisp

**PLANNING AND ZONING MEMBERS ABSENT:**

Will Sears                      Chris Magaña

**STAFF PRESENT:**

Kim Foutz, Acting Director of Planning  
Trudi Dill, Deputy City Attorney  
Tammy Lyerly, Senior Planner  
Mark Baker, Planner  
Mary Maxfield, Planning Technician  
Leslie Evans, Administrative Assistant

**The agenda for this meeting was posted on the bulletin board at the Municipal Building, November 22, 2013 at 4:15 p.m. in compliance with the Open Meetings Law.**

*The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.*

Vice-Chair Rhoads called Meeting to Order at 5:34 P.M.

Invocation by Commissioner Pitts; Pledge of Allegiance by Commissioner Staats.

**A. CONSENT ITEMS**

**Item 1: Approval of Minutes:** Work session and the regular meeting November 18, 2013

Approval by general consent.

**B. ACTION ITEMS**

**Item 2: Z-FY-14-06 -** Hold a public meeting to consider and recommend action on a zone change from Two Family District (2F) to Planned Development (Office One) on a portion of Lot 1 and a portion of Lot 3, Bentley Bellview Addition, addressed as 2003 West Avenue H.

Ms. Kim Foutz, Acting Director of Planning, stated there are two sections to the subject property. The first portion (with a flag lot) is part of a larger tract already zoned Office One (O1). The applicant is proposing a general medical clinic, 1,400 square feet on almost one-half acre. The other portion is zoned Two Family (2F). There are two existing single family homes which will be renovated and converted into the medical office and no other structures will be added. There is an existing parking lot that will be expanded by seven spaces. The front of the structure faces Avenue H and the side faces 39<sup>th</sup> Street.

Surrounding properties include single family residence with 2F zoning to the south, a church with 2F zoning to the east, across Avenue H is office use, and to the west is a single family use with 2F zoning.

The Future Land Use and Character Map designate the area as Neighborhood Conservation which should retain the existing neighborhood character. Compatible nonresidential uses are allowed. Staff believed the character would be maintained as there are no new buildings being constructed and limited additional parking is required. There are nonresidential uses (mostly office) up and down Avenue H.

The Thoroughfare Plan designates Avenue H as a major arterial. Major arterials usually have nonresidential more than residential and 39<sup>th</sup> Street is designated as a local street. There are adequate utilities serving the site with two six inch water lines and an eight-inch sanitary sewer line.

There are four foot sidewalks in place along Avenue H. Six foot sidewalks are required; however, no changes or renovations over 50 percent are being made which would normally trigger that portion of the Ordinance.

Thirteen notices were mailed out with two returned in favor and one in disapproval.

Staff recommends approval of this request because it is compatible with the Future Land Use and Character Map, the Thoroughfare Plan, and the Trails Master Plan.

Vice-Chair Rhoads opened the public hearing.

Dr. Jerry Baskerville (retired), 4500 Franklin Road, Troy, Texas, stated he was the father of the applicant, Michael Baskerville. Mr. Baskerville thanked the Staff and Commissioner for their attention and to answer any questions.

There being no further speakers, the public hearing was closed.

Commissioner Jones made a motion to approve Item 2, **Z-FY-14-06**, as presented and Commissioner Pitts made a second.

*Motion passed: (6:0)*

Chair Sears and Commissioner Magaña absent, one vacancy

**Item 3: Z-FY-14-07** - Hold a public hearing to consider and recommend action on a zone change from Agricultural District (AG) to Two-Family District (2-F) on 17.95 +/- acres, being part of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the west side of Old Waco Road and the east side of South Pea Ridge Road, east of Westwood Estates.

Ms. Tammy Lyerly, Senior Planner, stated this item would go before City Council on January 16, 2014 for first reading and February 6<sup>th</sup> for second reading.

The subject property stretches from Old Waco Road to South Pea Ridge Road and wraps around the water tower. The property is surrounded by existing and future residential uses as well as future office uses to the north.

This request has been modified from when it previously came in when the applicant had a request going all the way out to Old Waco Road. The difference is the applicant is not requesting to rezone the split area of land between the property and Old Waco Road but will be left as Agricultural (AG) for now. The current request is only for the portion of the property designated in yellow.

Surrounding properties include undeveloped land and future single family residential and office uses to the north, and rural residential and agricultural uses to the east, south, and west.

Ms. Lyerly cites allowed and prohibited uses for the 2F zoning district.

Development Regulations are given.

The Future Land Use and Character Map has a split recommendation for this property: Suburban Residential on the western portion of the subject property and Suburban Commercial on the eastern portion.

The Thoroughfare Plan designates South Pea Ridge Road as a collector and requires a four foot wide sidewalk with any future development. Old Waco Road is proposed as a major arterial which requires a minimum six-foot wide sidewalk. There is a proposed citywide spine trail for the area.

Utilities serving the area include a 14 inch water line bordering the north edge of the property, a four-inch and 24 inch water line to the east of the property, and water lines along South Pea Ridge. There is an existing sewer line located along Old Waco Road.

Seven notices were mailed out with one returned in favor and two returned in opposition.

Staff recommendation is for denial for the requested zone change because the request does not comply with the Future Land Use and Character Map, and although the request complies with the Thoroughfare Plan, Old Waco Road is not yet built to arterial standards and would require right-of-way dedication and widening. Public facilities are available to the subject property.

Ms. Lyerly explained that the request was for 2F which is not a single family development, it would include duplexes and townhouses creating a higher density and would not fit the land use designation for the property.

Ms. Lyerly was not aware of any plans to realign S. Pea Ridge Road.

Vice-Chair Rhoads opened the public hearing.

Mr. John Martin, 2813 Sleepy Hollow, Temple, Texas, stated this was the same property that was to go General Retail (GR) which the Commission passed previously; however, the City Council was weary of the broadness of a GR zoning. Mr. Martin was advised to be more specific of his intentions for the property.

Mr. Martin claimed he did not know what happened but he wanted to rezone the front portion of the property as Office Two (O2) just like the adjacent property which is where the entrance would have been located and built. The back would not be used for an entrance due to the hairpin turn. Mr. Martin thought he turned in his request for O2 for the front portion.

Ms. Lyerly stated the only request Staff received was for the 2F. Mr. Martin claimed he put O2 on the application which he why he revised the field notes. Ms. Lyerly stated they would review the application.

Commissioner Jones made the suggestion that Mr. Martin either table or withdraw the item, work with Staff to get everything straightened out and then bring the item back at a later time. Mr. Martin asked if that would prevent them from crossing the front portion for the entrance and then coming back on the O2 request. Mr. Martin did not feel the request would be turned down for O2 since it was adjacent to an O2 zoning. Ms. Lyerly stated in order to go forward with an O2 zoning request, Staff would need to readvertise. Ms. Lyerly explained she was told that the front portion of the property was being excluded from the request.

Mr. Martin stated he could go forward in two parts as long as he could go across the front portion of the property. Commissioner Jones stated he would have difficulty voting on this item since it was not a complete request.

Ms. Kim Foutz, Acting Director of Planning, suggested that since the file was available it could be reviewed but would require a few minutes to do so. If the Commission would give a recess for review and continue with the agenda, the item could be recalled.

Vice-Chair Rhoads closed the public hearing and recessed the item for review. P&Z agenda went to Item 4.

**\*\*** Ms. Foutz, Acting Director of Planning, stated Staff was able to review the application and the request was only for 2F for 22.5 acres. The other portion was not requested and Staff did not catch the situation. Ms. Foutz talked with the applicant and the applicant would like to proceed with the rezoning of the 17 acres and come back at a later date to have the 3.54 acres rezoned.

Vice-Chair Rhoads reopened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Staats made a motion to approve Item 3, **Z-FY-14-07**, as requested by the applicant.

The motion failed due to lack of a second.

**Item 4: Z-FY-14-08** - Hold a public hearing to consider and recommend action on a zone change from Agricultural District (AG) to Single-Family Three District (SF-3) on 54.097+/- acres and from Agricultural District (AG) to Office Two District (O-2) on 2.315 +/- acres, being part of the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located along the north side of Prairie View Road, east of North Pea Ridge Road.

Ms. Lyerly stated this item would go forward to City Council for first reading on January 16, 2014 and second reading on February 6<sup>th</sup>.

This request is for two zoning districts in one and the subject property is located on the north side of Prairie View Road and east of North Pea Ridge Road. The Future Land Use and Character Map designate the property as Agricultural Rural. This property also includes the future extension of Westfield Boulevard which bisects the property near the requested O2 district. Proposed extension of Westfield is shown.

Surrounding properties include agricultural and undeveloped land to the north, agricultural land and rural residential to the east, agricultural land, rural residential and BISD to the south, and agricultural land and undeveloped land to the west.

Ms. Lyerly cites the allowed and prohibited uses for both Single Family-Three (SF3) and Office Two (O2).

Development Standards are given for SF3 and O2.

The Thoroughfare Plan designates North Pea Ridge Road as a collector and Prairie View Road is a minor arterial.

There is an eight-inch water line along Prairie View Road along with some 12 inch water lines. There is a sewer line located in the residential area to the south.

Nine notices were mailed out with three returned in favor and zero in opposition.

Staff recommends approval of the requested zone change to SF-3 because although the request does not comply with the Future Land Use and Character Map (Rural Residential), at the November 21, 2013 workshop, City Council gave Staff direction for single family development in this area with 7,500 square foot lots as acceptable for areas recommended for Agricultural Rural classifications. The request complies with the Thoroughfare Plan but to date Prairie View Road is not built to its proposed minor arterial status and Westfield Boulevard is not built yet. These two projects are funded and being planned for improvements in the area. Public facilities are partially available since there are no sewer lines in the area; however, the developer may be bringing sewer to the property.

Staff recommends approval of the requested zone change to O2 because although the request does not comply with the Future Land Use and Character Map (Rural Residential), when Staff

analyzed the request with the future intersection of Westfield Boulevard (minor arterial) and Prairie View Road (minor arterial) coming to the property, Staff felt it would be compatible for the request of O2. Public facilities are partially available since there are no sewer lines in the area; however, the developer may be bringing sewer to the property.

Brief discussion regarding sewer line locations.

Commissioner Johnson asked what the timeline was for Westfield Boulevard. Ms. Lyerly responded she did not have a time frame but knew there were some development improvements for Prairie View Road that were in the preliminary stage of design. Stage 2 will be entered into approximately September 2015 or 2016 time frame. Ms. Lyerly has no time frame for Westfield Boulevard.

Ms. Foutz clarified that during the City Council workshop session, she presented a proposed future land use plan map to discuss what type of uses would be appropriate for this area. Currently the map shows that only AG uses are appropriate for the area which is not what the plan should be. The area has changed since there are three schools (current and proposed) in the area, Capital Improvement Programs (CIP) for reconstruction of Prairie View, Westfield Boulevard, and Pea Ridge (future project). The City Council indicated to Staff, through a workshop, that a Future Land Use Plan amendment to City Council that will indicate all four sides of an intersection for collectors and arterials should have residential and office type uses.

Vice-Chair Rhoads opened the public hearing.

Mr. Scott Kiella, 11122 Whiterock Drive, Temple, Texas, stated he works for Kiella Development and they represent Thomas Baird in this matter. Mr. Kiella stated they would not develop the area until Westfield Boulevard was completed. Commissioner Johnson was stuck on the City Council's recommendation of having the intersection being office designated and the proposal is not that way. If it were approved that way the applicant would not have to change it to office at any given time.

Vice-Chair Rhoads closed the public hearing.

Commissioner Staats made a motion to approve Item 4, **Z-FY-14-08**, as recommended and presented by Staff, and Commissioner Jones made a second.

*Motion passed: (6:0)*

Chair Sears and Commissioner Magaña absent, one vacancy

Vice-Chair Rhoads made a recommendation to reopen Item 3, Z-FY-14-07, *(Please go back to \*\* for continuation of item 3)*

**Item 5: Z-FY-14-09** - Hold a public hearing to discuss and recommend action on zone change from Agricultural District (AG) to Neighborhood Services (NS) on 0.982 +/- acres, situated in the Nancy Chance Survey, Abstract 5, City of Temple, Bell County, Texas, located at 6040 W. Adams Ave.

Mr. Mark Baker, Planner, stated this item would go forward to City Council for first reading on January 16, 2014 and for second reading on February 6, 2014.

The Future Land Use and Character Map designate the property as Auto Urban Residential.

A four-inch and six-inch water lines are available in West Adams Avenue and an 18-inch sewer line is available on the south side of West Adams Avenue.

The property was subject to a prior zone change request from AG to NS in both 2001 and 2002. At that time there was strong neighborhood opposition to NS zoning due to the need for enhanced buffer, increased traffic concerns, the effect on pedestrian safety on the trail along West Adams, property devaluation, Intrusive nature of night-time businesses developed in NS and, potential sale of alcoholic beverages (allowed with a CUP).

Staff and the P&Z Commission recommendation was for a Planned Development O-1 (PD-O1) with O1 filtering out some of the more intrusive uses allowed in the NS district and that the PD would provide additional buffering currently in place under the Unified Development Code (UDC). The request was ultimately withdrawn by the applicant before going to City Council for first reading.

Surrounding properties include developed single family uses (Kasberg Subdivision) to the north with SF-1 zoning, scattered single family uses to the south with UE and AG zoning, existing service and office uses to the west with NS zoning, and undeveloped land to the east with O1 and AG zoning.

The Future Land Use and Character Map designates the property as Auto Urban Residential which is primarily for smaller single family lot sizes in SF or Single Family Attached (SFA) districts. The request for NS zoning does not completely comply with the Future Land Use and Character Map.

Ms. Baker cites the allowed and prohibited uses for NS.

Development Regulation comparisons are given and the following current requirements would apply to the subject property:

- A minimum 10' rear setback is required where a non-residential use abuts a residential zoning district (UDC Section 4.4.4.F3);

- A residential access drive is prohibited onto arterial streets (UDC Section 7.2.4A);

- General Buffering and Screening (UDC Section 7.7);

  - Evergreen hedges (6' height & spaced on 36" centers) or, 6' to 8' height (masonry, wood, pre-cast concrete).

  - Refuse containers located in the rear or side of the property and screened from view.

- Outdoor Storage is permitted in NS & O-1 behind principal building and screened from view (UDC Section 7.7.8B1)

Fifteen notices were mailed out with one returned in favor and eight in opposition.

In cases where the proposed zoning does not agree with the Future Land Use and Character Map, Staff considers the following issues:

Is the proposed land consistent with the Comprehensive Plan / Future Land Use Map?  
In this case, no it is not.

Do surrounding uses seem compatible and similar to the proposed zoning? For the NS  
no.

Do surrounding zoning designations seem compatible or similar to the proposed  
rezoning? In the case of NS it would be a combination of yes and no. The compatibility  
at this location and with the input from the neighbors, even though NS has been  
established along this area, this remaining strip may not be compatible with NS.

Staff recommends disapproval of the zone request.

Commissioner Staats asked Mr. Baker if he knew what the general feeling was from the  
neighborhood of an acceptable rezoning. Mr. Baker responded based on previous input and  
action taken by P&Z in 2002, the recommendation came forward as an O1 under a PD. Staff  
was making a combined recommendation of the O1 but since the public hearing was  
advertised as NS, the Planning Commission would not be able to take action as an O1. It  
would have to come back as an O1.

Commissioner Staats asked about the NS zoning to the west of the subject property and if  
there had been any complaints of those businesses. Mr. Baker responded there were none he  
knew of.

Mr. Baker had a copy of the proposed subdivision plat showing two access points.

Commissioner Pitts asked about the cautionary uses under NS. Mr. Baker stated a lot of NS  
would include GR uses, conditional uses that would not otherwise be allowed in O1, NS and  
O2 allow the sale of alcohol with on-premise consumption, O2 gets into more restrictive retail  
and department store uses, but NS is where a lot of those uses are permitted by right.

Vice-Chair Rhoads asked the public to keep their comments to a three minute minimum since  
there were so many citizens present and then opened the public hearing.

Ms. Sherry Eller, 6002 Wildcat Drive, Temple, Texas apologized for her husband's absence  
and read a statement to the Commission. Mr. and Mrs. Eller would like to request a denial on  
this item for the following reasons (*not a complete list*) and to suggest an alternative:

Traffic – NS would bring increased traffic. Beaver Loop is the only road in and out of the  
neighborhood. Significant traffic congestion currently exists at Beaver loop and West Adams  
during peak hours. More traffic would clearly create a hazardous situation.

Many of the businesses allowed by right or CUP are not appropriate for location next to  
SF1 designated neighborhoods. NS allows retail and convenience stores, alcoholic beverages  
(CUP), small drug stores, etc. which are not appropriate next to a residential area.

Alternate districts such as O1 do not allow these types of businesses and are more  
appropriate next to an SF1 neighborhood. Because of the close proximity to homes in the  
area and the lack of buffer zones between the homes and these types of businesses, a  
significant devaluation of property values will be realized.

These types of establishments invite heavy traffic and in some cases, 24 hour operations which are totally undesirable this close to a neighborhood.

Structures on NS properties typically do not complement the surrounding neighborhood such as an O1 would require. O1 would be more appropriate because traffic is not as high and the character of O1 structure would fit better with an adjoining neighborhood. O1 is the more appropriate zoning according to 4.3.14.B of the Unified Development Code which states:

B. The Office 1 zoning district should be located convenient to residential areas and should be complimentary to the character of the residential neighborhood served. This district is designed to be a transitional zone allowing low intensity administrative and professional offices. Permitted uses are not intended to be major traffic generators.

NS generate much more traffic which can be a problem in this area because of the bridge. The adjoining neighborhood is SF1, the highest and most restrictive. O1 would be more complementary.

Mr. Jeff Lawyer, 6001 Wildcat Drive, Temple, Texas thanked the Staff and Mr. and Mrs. Eller for getting the logistics. Mr. Lawyer asked the Commission to look at the neighbors that make up the neighborhood and they are asking the Commission not to allow NS there. Mr. Lawyer commented that the person who wants to develop the property will not state what they want to put in there.

Mr. Lawyer told the Commission the neighborhood was not trying to stop progress but only wanted to control the progress so the neighborhood will remain the same. The neighbors are asking for no NS but would prefer O1.

Mr. Van Rutherford, 5 Beaver Loop, Temple, Texas stated he agrees with Mr. Lawyer and FM 2305 has turned into a busy interstate. The neighborhood is concerned about any type of detrimental business for the area. The traffic and the safety of the neighborhood and children needs to be considered since it is a strategic piece of property.

Commissioner Jones asked if anyone had called the applicant to find out what she is planning to do. Mr. Rutherford was told a proposed Little Ceasar's would be going in.

Mr. Lawyer returned to the podium and stated City Staff was contacted to find out and no one could answer them. It was assumed the P&Z and Staff would know.

Mr. Raymond Rendon, 109 Palomino Drive, Temple, Texas stated he agreed with the previous speakers. Mr. Rendon also added it was a busy street with no side shoulder on either side of FM 2305.

Commissioner Staats asked if there was a cross access easement/agreement across the lots and Mr. Baker stated it was a proposed cross access but did not have a copy of it.

Ms. Juanita Michelle Fettig, 3506 Antelope Trail, Temple, Texas stated as a property owner she had her own concerns. The property to the west is zoned NS and GR is across the street. Ms. Fettig is not asking for GR, only NS. The Future Land Use and Character Map is a guideline for the Staff to follow in their recommendations. Ms. Fettig contends the map does

not adequately identify the nonresidential uses being developed along Adams Avenue frontage property and adjacent to her property.

Ms. Fettig commented on Item 4 that Staff states:

NS is best suited for locations such as the corner of a local road or a collector that serves a neighborhood.

Ms. Fettig stated her property fronts Adams Avenue which is defined as a major arterial, one level below expressway. Adams Avenue carries 23,000 vehicles per day according to TxDOT 2010 Traffic Count Map. NS is much softer than GR or Commercial.

As to the concern for the entrance and access points to the property, Ms. Fettig explained TxDOT has approved two access points directly off of Adams at the property line of the property which will become the primary access points.

Ms. Fettig stated she understood the concern for zoning and her intention is to enhance the area, not diminish it.

Ms. Sherry Eller returned for rebuttal. Ms. Eller stated previously TxDOT talked about the two access points from West Adams and not wanting to use those because of how close they were to the bridge but was not sure. Ms. Eller stated this was the fourth time a zoning change has been addressed for this property. The request was either denied or withdrawn and the issues have remained unchanged.

Ms. Eller reiterated they would like to be able to control the progress and make it compatible with the neighborhood and does not create more traffic problems.

Vice-Chair Rhoads asked if there was any information as to what the NS would be or with a PD since this was a concern.

Brief discussion regarding access points, Beaver Loop, and traffic.

Ms. Fettig returned and stated the buyer is looking at the property as an investment. Ms. Fettig did not own the property in 2001.

Mr. Eric Jackson, 321 Beaver Loop, Temple, Texas stated he did not know the corner lots were NS but they got lucky with the businesses there. O1 is preferred.

Ms. Ann Rutherford, 5 Beaver Loop, Temple, Texas stated she has seen Adams grow from two lane to five lanes and speeds up to 80 mph. The current NS businesses look beautiful and fits right in which is what the neighborhood would like.

Ms. Baker gave some allowed and prohibited uses for NS and O1 (*not inclusive*)

There being no further speakers, Vice-Chair Rhoads closed the public hearing.

Commissioner Jones commented that the traffic on 2305 would continue to grow but not drastically as compared to other subdivisions. All of 2305 will continue to develop just as 31<sup>st</sup>

Street. Commissioner Jones had difficulty with restricting the owner at this point since NS is all up and down the area.

Commissioner Pitts agreed with Commissioner Jones since NS is already there and did not feel it would contribute that much more traffic. Alcohol concerns is not guaranteed under NS.

Commissioner Johnson agreed with the comments and stated NS is already there and not going away. Commissioner Johnson believes O1 is too minimal for 2305 and would like to see more buffering between the lots and neighborhood which can be done with a PD. Commissioner Johnson suggested NS with a PD.

Mr. Baker stated the Commission could suggest a PD if the applicant were interested and willing to go with a PD, she would need to carve out more restrictive uses. There is a requirement for a site plan which may limit the use of the property to a point the applicant may not be interested.

Commissioner Staats made a motion to approve Item 5, **Z-FY-14-09**, as requested by applicant and Commissioner Pitts made a second.

*Motion passed: (5:1)*

Commissioner Johnson voted Nay; Chair Sears and Commissioner Magaña absent, one vacancy

**Item 6: Z-FY-13-36** - Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2010-4413, Temple Unified Development Code, Article 3 to amend notification requirements; Article 4 to amend dimensional standards; Article 5 to add industrial uses; Article 6 to amend TMED Landscaping requirements; Article 6 to amend I-35 Overlay window requirements; Article 6 to amend the 1st and 3rd Overlay District; and Article 7 to amend off street parking requirements.

Ms. Foutz stated the amendments being presented have been taken through various stakeholders including Temple Area Builders Association (TABA) and Temple Economic Development Corporation (TEDC). These amendments are being brought forward in order to conform to state law, add in a requirement for notification to surrounding school districts for zone changes (H.B. 674), and to provide corrections, clarifications, and limited improvements to the Code. These corrections, clarifications and improvements include an error on maximum building height for O1 zoning, reorganize industrial uses and add industrial uses to the land use table, clarify and add options for TMED landscaping requirements, eliminate window requirement for the rear of buildings in the I-35 Overlay, add in a missing section on 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay, and to clarify off-street parking requirements to require parking within 150 feet..

The first amendment relates to Article 3 which requires school district notification of residential rezonings and multi-family rezonings. There are possibly four school districts that would be notified.

In Article 4 there was an error in the Dimensional Standards for O1 where the current maximum height allowed for 45 stories and should reflect the maximum height to only three stories.

Ms. Foutz did point out that O2 still allows any legal height.

The Industrial Uses in Article 5 needs to have uses added to the table for Light Manufacturing and Distribution Center. Staff would propose to remove milk depot, dairy or ice cream plant, bottling plant, and clothing or similar light manufacturing and add them collectively under Light Manufacturing category.

Staff would like to move all of the industrial uses to the Industrial Use heading table.

Staff has received complaints about required materials under Article 6, TMED, which involves required landscaping materials. Staff would like to add alternative options for plantings and allowing river rock to be used which would expand the options.

In Article 6, the current I-35 Overlay standards require a minimum of 40 percent of the rear side of a building to be windows. The proposed amendment would eliminate the requirement for rear windows in the I35 Overlay as most uses cannot facilitate rear windows.

In Article 6 for the 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay, the proposed amendment would add the section of 3rd street between Adams Avenue and Houston Avenue to be included in the 1st and 3rd Overlay District. The added section is classified as Frontage Type A. The added section was left out intentionally to create a separate frontage type; however, further review found that Type A frontage type was suitable for the section and Staff would like to fill the gap.

Off-Street parking in Article 7 proposal would move the requirement from Article 11 to Article 7 of the UDC. Currently all of the off street off-site parking requirements are located in the Definitions Section which has created confusion. The proposed amendment clarifies current off-street parking requirements within 150 feet.

Staff recommends approval of the proposed amendments to the UDC for the following reasons:

- To conform to state law;
- To correct errors in the code; and,
- For clarification of the code.

Vice-Chair Rhoads opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Pitts made a motion to approve Item 6, **Z-FY-13-36**, and Commissioner Johnson made a second.

*Motion passed: (6:0)*

Chair Sears and Commissioner Magaña absent, one vacancy

## C. REPORTS

**Item 7:** Receive and discuss the **Planning Director's Report** containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code.  
*(continued, if not completed in Work Session)*

There being no further business, Vice-Chair Rhoads adjourned the meeting at 7.27 p.m.

Respectfully submitted,  
Leslie Evans

**PLANNING AND ZONING COMMISSION  
TUESDAY, DECEMBER 3, 2013  
5:00 P.M.  
WORK SESSION**

**PLANNING AND ZONING MEMBERS PRESENT**

Vice-Chair Greg Rhoads

**COMMISSIONERS:**

James Staats                      Blake Pitts  
Patrick Johnson                  David Jones  
Omar Crisp

**PLANNING AND ZONING MEMBERS ABSENT:**

Will Sears                      Chris Magaña

**STAFF PRESENT:**

Kim Foutz, Acting Director of Planning  
Trudi Dill, Deputy City Attorney  
Tammy Lyerly, Senior Planner  
Mark Baker, Planner  
Leslie Evans, Administrative Assistant

**The agenda for this meeting was posted on the bulletin board at the Municipal Building in compliance with the Open Meetings Law.**

*The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.*

With a quorum present, Vice-Chair Rhoads opened the work session at 5:01 p.m. and asked Ms. Kim Foutz, Acting Director of Planning, to proceed.

Ms. Foutz talked about the Future Land Use and Character Map in reference to Item 4 on the agenda. The area is designated as AG in the Comprehensive Plan but with a number of changes that have occurred, this is no longer viable. At the time it was done there were no utilities or schools located out there. The Comprehensive Plan needs to be reflective of what is currently located in the area. There is some LI located across from the airport.

Westfield will be brought to Prairie View and go all the way through to Highway 36 and will be planned as an arterial standard.

Prairie View will also be updated to arterial standards and realigned. North Pea Ridge is planned to be a collector but there is no capital project currently.

City Council would like Suburban Commercial all along the roadways and at the intersection. Westfield will be the arterial for the intersection. The depth has not been worked out yet.

As a buffer to all of the commercial Auto Urban Residential will be required.

City Council would like to see more SF1 residential lots in the area as well. Staff believes this should be located further out. The proposal is to change the Future Land Use and Character Map to link the Suburban Residential (yellow) to the SF1 (7,500 square feet), SF2 (5,000 square feet), and SF3 (4,000 square feet). Other cities consider 7,500 square feet to be dense development.

There is a gap between 7,500 to 22,500 so Staff proposes bringing in a plain SF that would allow somewhere between 10,000 to 12,000 square feet lots creating less density and more in line with the others.

For Item 4, SF2 would allow for up to 5,000 square feet lots and would be designated as Suburban Residential which would make the Future Land Use and Character Map changes consistent.

Ms. Foutz stated the applicant was asking for Suburban Residential (SF3) creating less density than what the Comprehensive Plan calls for and O2, which would be supported.

Residential cannot have access off of a collector or arterial; it is prohibited.

Auto Urban Residential are things like duplexes and townhomes, small lots for Suburban, and a new category for the larger lots. 7,500 square feet is not considered a big lot.

The main difference in O1 and O2 is number of stories allowed. O2 allows apartments, hotel/motel, alcoholic beverages and more retail uses.

Before the use table is changed, Staff will need to talk with the development community to find out what they would be looking at for the plain SF range.

Brian Chandler's first official day will be December 12<sup>th</sup>.

Mr. Mark Baker stated the Fettig Subdivision would probably have a lot of neighbors at the meeting. Numerous responses were received in opposition. Mr. Baker had an alternate recommendation to O1; however, the O1 cannot be acted upon since it was advertised only as NS.

This case came before P&Z previously in 2001 and 2002 and was a request for NS. It was tabled by the P&Z and then came back with the recommendation by Staff and P&Z for O1 as a PD to be more restrictive. It was withdrawn at City Council.

Due to time constraints, Vice-Chair Rhoads adjourned the meeting at 5:31 P.M.



## PLANNING AND ZONING COMMISSION AGENDA ITEM

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12/16/13  
Item #2  
Regular Agenda

**APPLICANT / DEVELOPMENT:** All County Surveying – Eberhardt Subdivision

**CASE MANAGER:** Mark Baker, Planner

**ITEM DESCRIPTION:** P-FY-14 -06 Consider and take action on the final plat of Eberhardt Subdivision, a 7.00 +/- acres, 2-lot, 1 block non-residential subdivision, being a replat of a portion of Temple Industrial Park Section Eight, Block One, within the City of Temple, Bell County, Texas, located east of Eberhardt Road and southwest of the BNSF Railroad and addressed as 3111 & 3289 Eberhardt Road.

**STAFF RECOMMENDATION:** Staff recommends approval of the Final Plat of Eberhardt Subdivision.

**ITEM SUMMARY:** The Development Review Committee reviewed the Final Plat of Eberhardt Subdivision on December 4, 2013. The plat was deemed administratively complete on December 10, 2013.

The Final Plat of Eberhardt Subdivision is a 2-lot, 1 block non-residential subdivision located east of Eberhardt Road and southwest of the BNSF Railroad within the Northwest Temple Industrial Park.

The subject property fronts along Eberhardt Road which has been identified by the Thoroughfare Plan as a major arterial, which requires a minimum 70' ROW and 49' of pavement. Eberhardt Road meets the minimum width and pavement requirements and no additional right-of-way dedication is needed. No sidewalk is required since the property is within the Northwest Industrial Park.

Water is available to the property by an existing 18" waterline in Eberhardt Road and a 6" waterline on the southern border of the property. Wastewater services are available with an existing 6" sewer line on the southern border of the property and an 8" on the northern end of the property.

Since the final plat is a Replat of the Industrial Park subdivision and no exceptions are being requested, the Planning Commission is the final plat authority.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

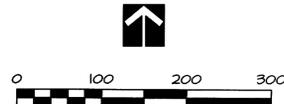
Final Plat  
Topo/Utility Map

# FINAL PLAT OF EBERHARDT SUBDIVISION

BEING A REPLAT OF  
TEMPLE INDUSTRIAL PARK  
SECTION EIGHT BLOCK ONE  
WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

Being 12.922 ACRES, situated in the R. C. MOORE SURVEY, ABSTRACT 581, Bell County, Texas, being all of a called 3.179 acre tract conveyed to Temple Economic Development Corporation in Document Number 2011-7403, Official Public Records of Real Property, Bell County, Texas and all of a called 12.922 acre tract conveyed to Temple Economic Development Corporation in Volume 5573, Page 536, Official Public Records of Real Property, Bell County, Texas, said 12.922 acre tract also being part of Temple Industrial Park Section Eight Block One, an addition to the City of Temple, of record in Cabinet A, Slide 343-B, Plat Records of Bell County, Texas

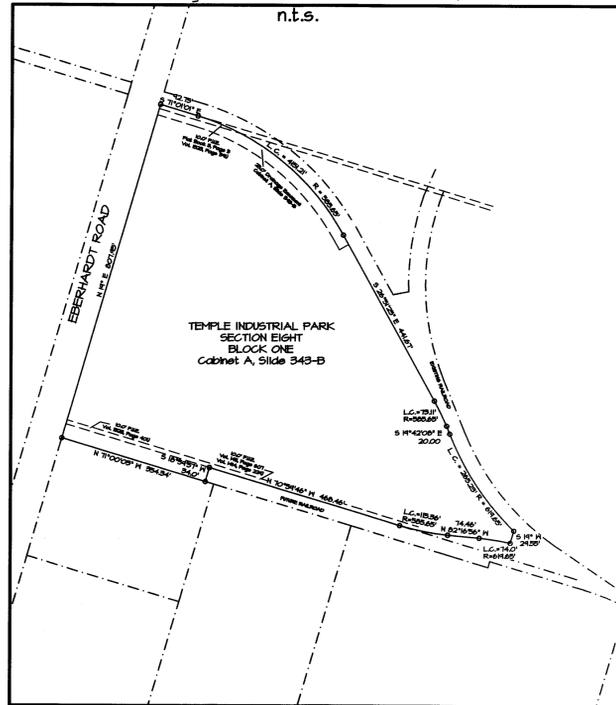
This plat is to accompany a metes and bounds description of the herein shown 12.922 acre tract.



OWNER:  
TEMPLE ECONOMIC  
DEVELOPMENT CORPORATION  
One South First Street  
Temple, Texas 76501

LOTS - TWO (2)  
BLOCKS - ONE (1)  
AREA - 1.000 ACRES

ORIGINAL LOT LAYOUT  
(Bearings & distances shown are record calls)  
n.t.s.



STATE OF TEXAS  
COUNTY OF BELL

THAT, THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION, BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS EBERHARDT SUBDIVISION WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DOES HEREBY DEDICATE THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

By: LEE PETERSON, PRESIDENT  
TEMPLE ECONOMIC DEVELOPMENT CORPORATION  
One South First Street  
Temple, Texas 76501

STATE OF TEXAS  
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED LEE PETERSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013.

NOTARY PUBLIC, STATE OF TEXAS

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

CHAIRPERSON \_\_\_\_\_ SECRETARY, PLANNING & ZONING \_\_\_\_\_

**AFFIDAVIT:**

The Tax Appraisal District of Bell County, the taxing authority for all taxing entities in Bell County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_, 2013 A. D.

By: \_\_\_\_\_  
Bell County Tax Appraisal District

LINE	BEARING	DISTANCE	RECORD CALLS
L1	S 22°00'48" E	201.2'	S 14° 42' 08" E 20.00'
L2	S 16°27'51" W	243.81'	S 14° 00' 00" W 24.55'
L3	N 84°44'40" W	74.45'	N 82° 16' 56" W 74.46'
L4	S 16°32'22" W	33.36'	S 16° 54' 51" W 34.00'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	RECORD RADIUS
C1	614.65'	74.16'	74.12'	N 81°15'41" W	6°51'26"	614.65'
C2	585.65'	115.43'	115.24'	N 74°07'53" W	11°17'35"	585.65'

NOTE:  
No sidewalks are required within the Northwest Industrial Park.

PURPOSE FOR REPLAT:  
To plat an existing 12.922 Acre parcel for conveyance and development.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 64. The theta angle at City Monument No. 64 is 0° 32' 18". The combined correction factor (CCF) is 0.999847. Grid distance = surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City Monument No. 64 to the northwest corner of the 12.922 Acre tract is S 44°15'56" W 3011.77 feet. Published City coordinates for project reference point 64 are N = 10391122.20 E = 3224942.64

Based upon what can be scaled from the graphics shown on Federal Insurance Rate Map (FIRM), Community Panel No. 48027C0140E, dated September 26, 2008, the above shown property does not appear within the "Special Flood Hazard Area", and appears to be situated in Zone X. This flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of this surveyor or company.

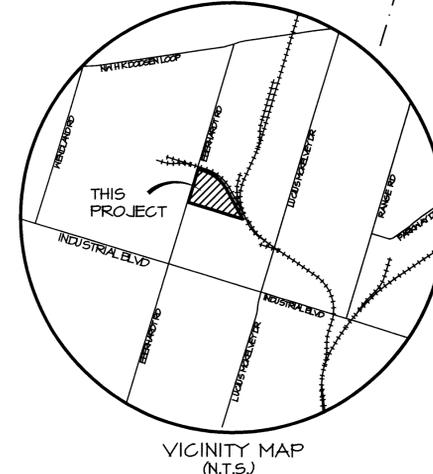
STATE OF TEXAS  
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE AS SHOWN HEREON.

By:   
CHARLES C. LUCKO, R.L.S.  
REGISTRATION NO. 4636  
DATE SURVEYED: APRIL 3, 2013



RECORDATION INFORMATION:  
PLAT RECORDED IN CABINET \_\_\_\_\_, SLIDE \_\_\_\_\_, PLAT RECORDS OF BELL COUNTY, TEXAS.  
DEDICATION RECORDED IN INSTRUMENT NUMBER \_\_\_\_\_  
OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS  
FILED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.



VICINITY MAP  
(N.T.S.)

REVISIONS:

12/02/13	CITY COMMENTS

FINAL PLAT OF  
**EBERHARDT SUBDIVISION**  
BEING A REPLAT OF  
TEMPLE INDUSTRIAL PARK  
SECTION EIGHT BLOCK ONE  
WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

**ALL COUNTY SURVEYING, INC.**  
1303 South 21st Street, Temple, Texas 76504  
(254) 718-2272 FAX (254) 714-1608  
TX Firm Lic. No. 10023600

Plot Date: 12-05-2013

Survey completed	10-31-2013
Scale:	1" = 100'
Job No.	130765
Dwg No.	130765P
Drawn by	MDH
Surveyor	CCL #4636

Copyright 2013 All County Surveying, Inc.

# EXISTING TOPOGRAPHY/UTILITY LAYOUT FOR EBERHARDT SUBDIVISION

BEING A REPLAT OF A PORTION OF  
TEMPLE INDUSTRIAL PARK  
SECTION EIGHT BLOCK ONE  
WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

Being 7.000 ACRES, situated in the R. C. MOORE SURVEY, ABSTRACT 581, Bell County, Texas, being all of a called 3.179 acre tract conveyed to Temple Economic Development Corporation in Document Number 2011-1403, Official Public Records of Real Property, Bell County, Texas and part of a called 12.422 acre tract conveyed to Temple Economic Development Corporation in Volume 5513, Page 536, Official Public Records of Real Property, Bell County, Texas, said 7.000 acre tract also being part of Temple Industrial Park Section Eight Block One, an addition to the City of Temple, of record in Cabinet A, Slide 343-B, Plat Records of Bell County, Texas

This plat is to accompany a metes and bounds description of the herein shown 7.000 acre tract.

#### OWNER:

TEMPLE ECONOMIC  
DEVELOPMENT CORPORATION  
One South First Street  
Temple, Texas 76501

LOTS - ONE (1)  
BLOCKS - ONE (1)  
AREA - 7.00 ACRES

#### PURPOSE FOR PLAT:

To plat an existing 7.00 Acre parcel for conveyance and development.

#### UTILITY CONTACTS & GOVERNMENTAL AGENCIES

The following utility companies have been supplied a copy of this plat and the subdivision Plat.

Southwestern Bell Telephone Company  
111 North 1st Street  
Temple, Texas 76501  
T13-6626 T13-8502 fax T13-8514

Time Warner Cable  
P.O. Box 428  
Temple, Texas 76503  
T18-8764 fax T10-6248

ONCOR (previously TXU Electric)  
303 West Calhoun  
Temple, Texas 76501  
T10-6218 fax T10-6248

CENTROVISION  
P.O. Box 3151  
Temple, Texas 76505  
T13-1163 fax T10-0718

TXU Gas  
303 West Calhoun  
Temple, Texas 76501  
T10-2501 Fax T10-2545

#### CITY OF TEMPLE

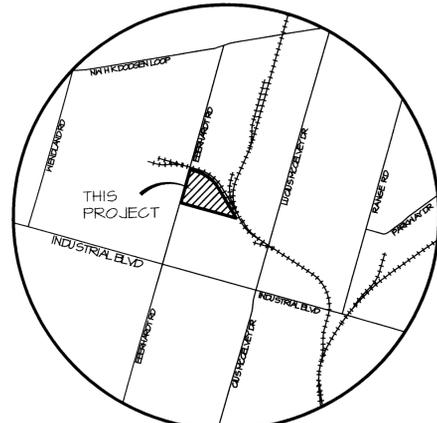
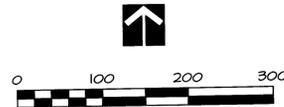
Director of Planning  
248-5668

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 69. The theta angle at City Monument No. 69 is 01° 32' 13". The combined correction factor (CCF) is 0.999947. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City Monument No. 69 to the northwest corner of the 7.000 Acre tract is S 44°15'56" W 3011.77 feet. Published City coordinates for project reference point 69 are N = 10291122.28 E = 52247442.64

Based upon what can be scaled from the graphics shown on Federal Insurance Rate Map (FIRM), Community Panel No. 4802710101E, dated September 26, 2008, the above shown property does not appear within the "Special Flood Hazard Area", and appears to be situated in Zone X. This flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of this surveyor or company.

The location of the underground utility lines shown hereon is based on a combination of visible surface appearances and record information. Locations shown are generally schematic in nature and may not accurately reflect the correct size and location of each particular utility. Some utility lines may not be shown. Prior to any construction, all utility companies should be notified to mark any buried lines. Contractors shall assume responsibility for actual field location and protection of existing utility facilities whether shown or not.

Contours shown hereon as per "STACKHOUSE" maps provided by the City of Temple. No surveying was performed to locate the actual contours.



VICINITY MAP  
(N.T.S.)



REVISIONS:

EXISTING TOPOGRAPHY/UTILITY LAYOUT FOR  
**EBERHARDT SUBDIVISION**  
BEING A REPLAT OF A PORTION OF  
TEMPLE INDUSTRIAL PARK  
SECTION EIGHT BLOCK ONE  
WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

**ALL COUNTY SURVEYING, INC.**  
1903 South 21st Street, Temple, Texas 76504  
(254) 718-2272 FAX (254) 714-1608  
Tx Firm Lic. No. 10023600



Plot Date: 11-13-2013

Survey completed 10-31-2013  
Scale: 1" = 100'  
Job No. 130765  
Dwg No. 130765P  
Drawn by MDH  
Surveyor CCL #4626

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## PLANNING AND ZONING COMMISSION ITEM MEMORANDUM

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12/16/13  
Item # 3  
Regular Agenda  
Page 1 of 5

**APPLICANT/ DEVELOPMENT:** Bentina, Ltd. / Gary W. Purser, Jr.

**CASE MANAGER:** Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** Z-FY-14-11 Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (AG) to Single- Family Two District (SF-2) on 115.33 +/- acres and from Agricultural District (AG) to General Retail District (GR) on 12.725 +/- acres, both being a portion of 128.05 acres of land, being part of the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located on the east side of SH 317, north of the FM 2483 intersection, and extending to the west side of North Pea Ridge Road.

**STAFF RECOMMENDATION:** Staff recommends **approval** of the requested zone change to **SF-2 District** for the following reasons:

1. Based on staff's direction from City Council at its November 21, 2013, workshop regarding Single Family developments in areas, such as this, with **Agricultural/Rural** classifications, staff anticipates future changes to the Future Land Use and Character Map for **Suburban Residential** uses in this area that would bring the applicant's request into compliance with anticipated development in this area;
2. Although the requested SF-2 District complies with the Thoroughfare Plan, North Pea Ridge Road is not built to its collector classification.
3. Water facilities are available to the subject property. Although sewer facilities are currently not available to the site, the applicant has indicated he plans to extend services from the south to his property.

Staff recommends **approval** of the requested zone change to **General Retail District** for the following reasons:

1. Based on staff's direction from City Council at its November 21, 2013 workshop regarding non-residential developments in areas, such as this, with **Agricultural/Rural** classifications, staff anticipates future changes to the Future Land Use and Character Map for **Suburban Commercial** uses in this area along arterials and at intersections with other arterials in the area that would bring the applicant's request into compliance with anticipated development in this area;
2. The request complies with the Thoroughfare Plan; and

3. Water facilities are available to the subject property. Although sewer facilities are currently not available to the site, the applicant has indicated he plans to extend services from the south to his property.

**ITEM SUMMARY:** The applicant requests zone changes from **Agricultural District (AG) to Single-Family Two District (SF-2) on 115.33 acres of land** fronting North Pea Ridge Road **and from Agricultural District (AG) to General Retail District (GR) on 12.725 acres** of land fronting SH 317. Although there are no sewer facilities available at the site, the applicant plans to extend sewer to the subject property. The applicant's proposed development with a sewer extension would require the platting process.

**The applicant's requested SF-2 zoning district** permits single-family detached residences and related accessory structures and provides for smaller single-family lots. This district may also be used as a transition from the SF-1 District to less restrictive or denser residential zoning districts.

A rezoning from AG to the SF-2 zoning district would allow the following, but is not limited to: a family or group home, industrialized housing, single-family detached dwelling, place of worship, and farm, ranch, orchard or garden.

**Prohibited uses** include patio home, single-family attached dwelling, townhouse, duplex, zero lot line dwelling, halfway house, HUD-Code manufactured homes and land lease communities, retail and commercial Uses, among others.

**The applicant's requested GR zoning district** is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, stack and park within the confines of the retail facility. **Adjoining zoning districts should be carefully selected to reduce environmental conflicts.**

A rezoning from AG to the GR zoning district would allow many uses by right that would not have been allowed before. Those uses include, but are not limited to, the following:

Residential uses

Single Family Detached  
Duplex  
Home for the Aged  
Townhouse

Nonresidential uses

Office  
Restaurant  
Hotel or Motel  
Food or Beverage sales store without fuel sales

**Prohibited uses** include HUD-Code manufactured homes and land lease communities, boat sales or storage, welding or machine shop, storage warehouse, and building material sales, among others.

The City of Temple Comprehensive Plan recommends a classification of **Agricultural/Rural** for the subject property. It is intended for those areas within the City limits that do not yet have adequate public facilities and services and may, therefore have on-site utilities. This classification is meant to protect areas in active farm and /or ranch use. According to **Chapter 4, Growth Management & Capacity** of the Comprehensive Plan, a much larger minimum lot size is recommended than the City's current one-acre minimum to manage premature growth in such areas and maintain the rural

character. **Residential development at very low intensities is permitted if it is clustered, with significant open space preservation.** Public services would be required at a certain density.

**Due to densities associated with SF-2 developments, the applicant's requested SF-2 District does not comply with the property's Agricultural/Rural classification.** The Urban Estates District is more suitable for the property's Agricultural/Rural classification. The Urban Estates District is more ideal for low density residential developments without sewer and is compatible with the adjacent rural/residential properties.

**SURROUNDING PROPERTY AND USES:** The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Agricultural/Rural	AG	Agricultural/Undeveloped Land
North	Agricultural/Rural	AG	Agricultural/Rural Residential
South	Agricultural/Rural & Suburban Commercial	AG & GR	Agricultural/Rural Residential and Retail
East	Agricultural/Rural	AG	Agricultural/Rural Residential
West	Agricultural/Rural	AG	Agricultural/Rural Residential

**COMPREHENSIVE PLAN COMPLIANCE:**

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

<b>Document</b>	<b>Policy, Goal, Objective or Map</b>	<b>Site Conditions</b>	<b>Compliance</b>
CP	Map 3.1 - Future Land Use and Character (FLUP)	The property is identified as Agricultural/Rural. <b>The applicant's requested Single-Family Two District does not comply with this recommendation.</b> If approved, a zone change to the SF-2 District would require an amendment to the Future Land Use and Character Plan. <b>The requested GR District does not comply with this classification.</b>	No
CP	Map 5.2 - Thoroughfare Plan	The east side of the property fronts North Pea Ridge Road, which is identified as a Collector. Although the requested SF-2 District is appropriate along Collectors, North Pea Ridge Road is not built to its Collector classification. <b>The applicant will be required to dedicate right-of-way along North Pea Ridge Road through the platting process, per UDC Section 8.2.1 Streets.</b>  The west side of the property fronts SH	Partial

		317, a Major Arterial. Major Arterials are appropriate for GR uses.	
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	<p>The nearest water line along the west edge of the subject property is a 2-inch water line located on the adjacent property to the south, along the east right-of-way of SH 317. There is a 16-inch water line across the street along the west right-of-way of SH 317.</p> <p>Sewer facilities are not available on or adjacent to the subject property. The nearest sewer line is located across SH 317 in its west right-of-way, south of FM 2483.</p>	Partial
STP	Temple Trails Master Plan Map & sidewalks	<p>The Temple Trails Master Plan reflects a proposed 6 to 8 foot wide' Community-Wide Connector Trail along the west edge of the subject property along SH 317.</p> <p>Per UDC section 8.2.3, sidewalks are required on both sides of arterials and one side of collector streets. Sidewalks are required to be installed at the time of development and will be noted on the plat.</p> <p>A 4-foot wide sidewalk would be required along property's frontage along North Pea Ridge Road.</p>	This will be addressed during the platting and development process (see below)

CP = Comprehensive Plan    STP = Sidewalk and Trails Plan

**DEVELOPMENT REGULATIONS:** Dimensional standards for development in the SF-2 District are as follows:

- Minimum lot size – 5,000 sq. feet
- Minimum Lot Width – 50 feet
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 25 feet
- Side Yard Setback – 5 feet (interior)
- Side Yard Setback – 15 feet (corner)
- Rear Yard Setback – 10 feet

**DEVELOPMENT REGULATIONS:** Dimensional standards for **nonresidential** development in the GR District are as follows:

- Minimum lot size – N/A
- Minimum Lot Width – N/A
- Minimum Lot Depth – N/A

- Front Yard Setback – 15 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback – 0 feet (10 feet adjacent to residential zoning)

Dimensional standards for **residential** development in the GR District are as follows:

- Minimum lot size – 5,000 Sq. Ft.
- Minimum Lot Width – 50 feet
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 15 feet
- Side Yard Setback – 10% of lot width with 5-foot min.
- Side Yard Setback (corner) – 15 feet
- Rear Yard Setback – 10 feet

Standard development regulations require a 6-foot wide sidewalk along Major Arterials, such as SH 317, per UDC Section 8.2.3-Sidewalks. Since a 6 to 8-foot wide connector trail is required along the property's frontage at SH 317, the required 6-foot wide sidewalk may need to be upsized to an 8-foot width. A 4-foot wide sidewalk is required along collectors, such as North Pea Ridge Road.

**PUBLIC NOTICE:**

Thirteen notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of December 13, 2013, no notices were returned in favor of the request and no notices were returned in opposition.

The newspaper printed notice of the Planning and Zoning Commission public hearing on December 2, 2013, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Subject and Surrounding Property Photos  
Zoning and Location Map  
Future Land Use and Character Map  
Buffer Notification Map

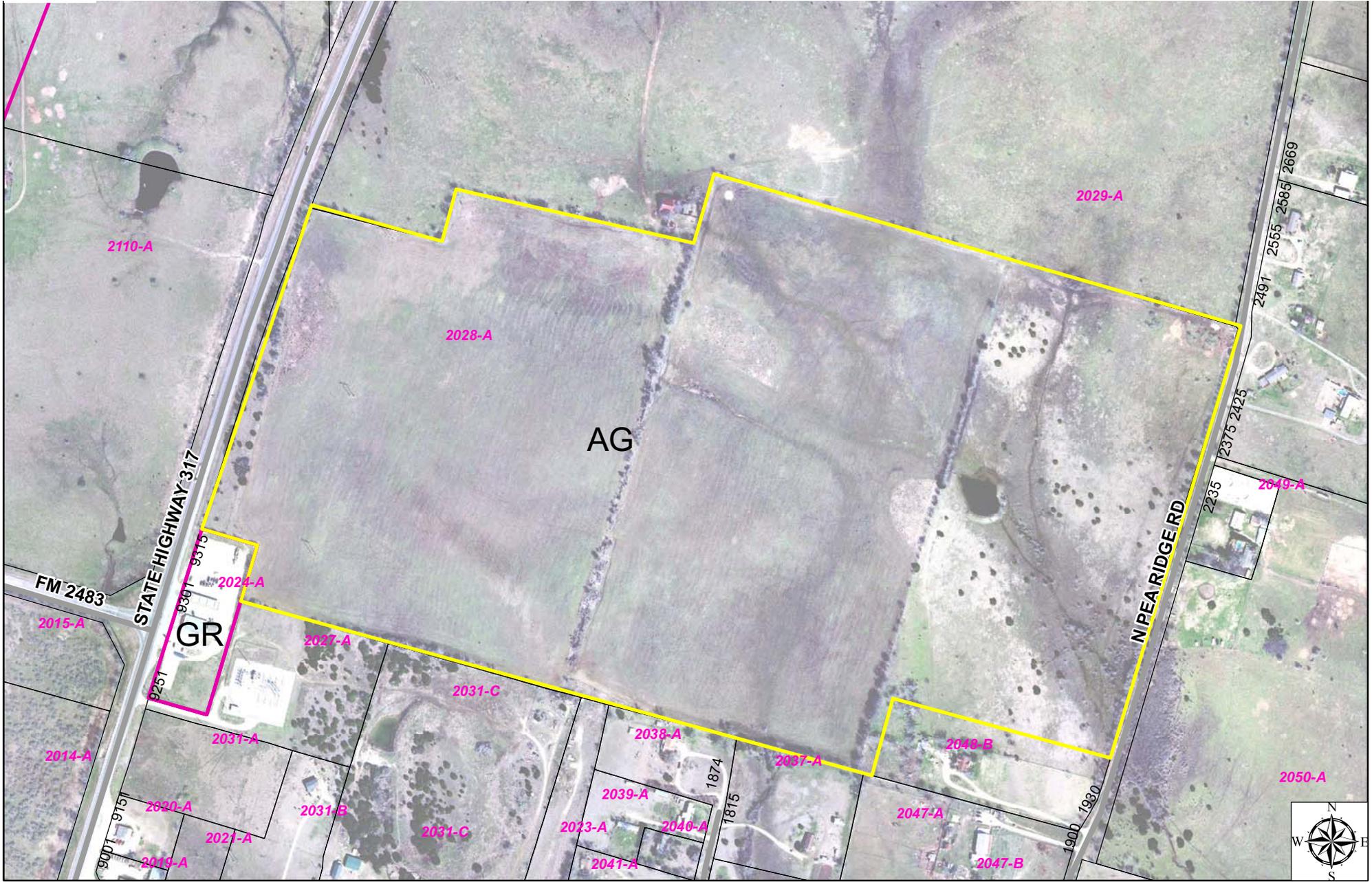
**SURROUNDING PROPERTY AND USES:**

The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Agricultural/ Undeveloped Land	 <p style="text-align: right;"><b>SH 317</b></p>
			 <p style="text-align: right;"><b>N Pea Ridge Rd.</b></p>
East	AG	Agricultural Land/ Rural Residential	 <p style="text-align: right;"><b>N Pea Ridge Rd.</b></p>

Direction	Zoning	Current Land Use	Photo
West	AG	Agricultural Land/ Rural Residential	
South	AG & GR	Agricultural Land/ Rural Residential and Retail	
			

Direction	Zoning	Current Land Use	Photo
North	AG	Undeveloped Land / Rural Residential	 A photograph of a rural landscape. The foreground is filled with dense green bushes and trees. In the middle ground, there is a flat, green field. In the background, a clear blue sky is visible, and a few trees and a fence line can be seen on the horizon.

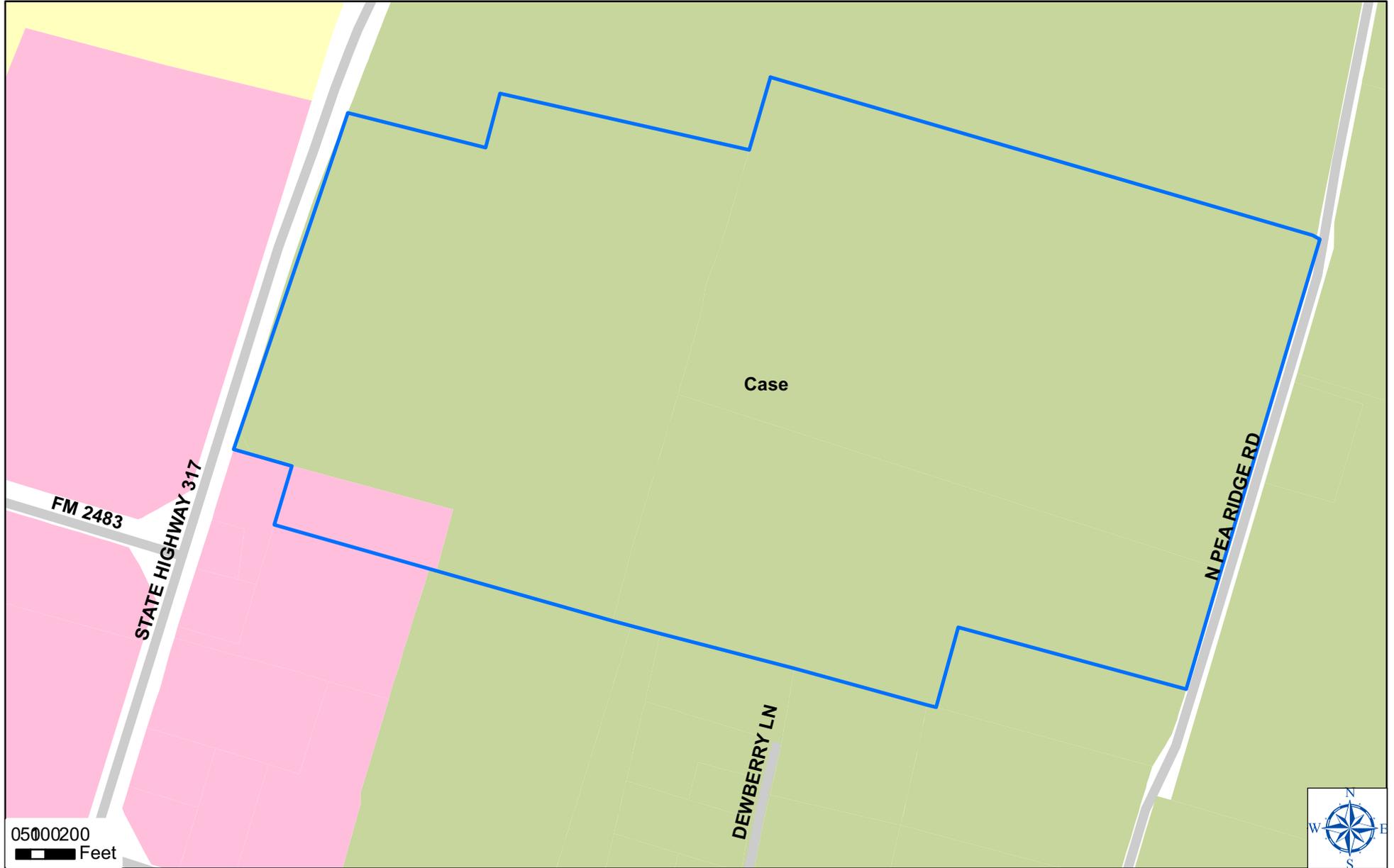


	Case		Subdivisions		1234-A Outblocks		Blocks
	Zoning		Parcel	1234	Addresses		Lots

05000200  
 Feet

10/31/2013  
 City of Temple GIS

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**Future Land Use**

- |                           |                         |                       |                                   |                      |
|---------------------------|-------------------------|-----------------------|-----------------------------------|----------------------|
| Neighborhood Conservation | Auto-Urban Residential  | Auto-Urban Commercial | Temple Medical Education District | Public Institutional |
| Estate Residential        | Auto-Urban Multi-Family | Suburban Commercial   | Industrial                        | Parks & Open Space   |
| Suburban Residential      | Auto-Urban Mixed Use    | Urban Center          | Business Park                     | Agricultural/Rural   |

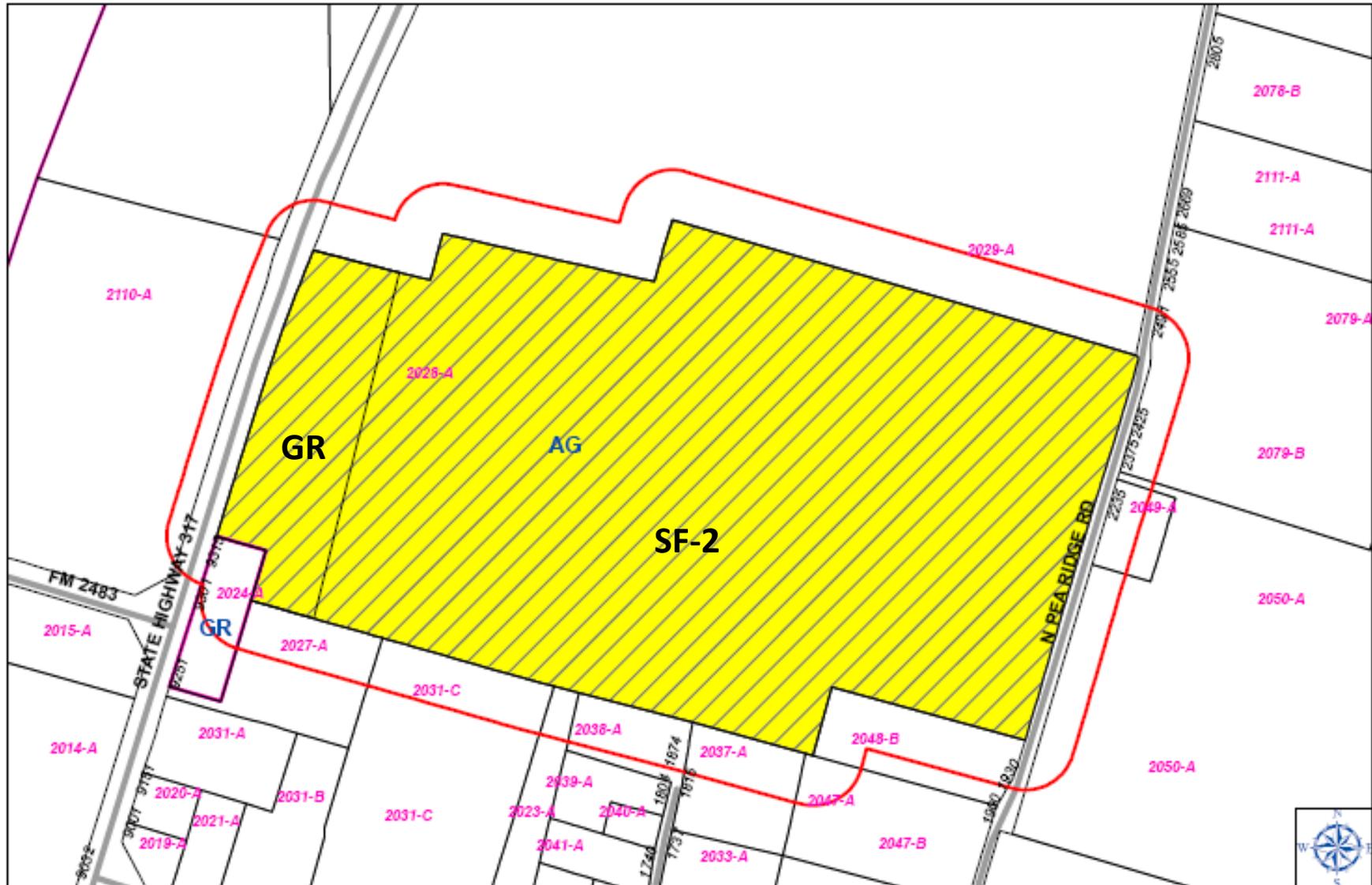
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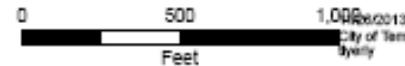
Z-FY-14-11

AG to GR and AG to SF-2

East side SH 317 & N Pea Ridge Rd



- Case
- Zoning
- 1234-A Outblock Number
- Block Number
- 200' Buffer
- Subdivision
- 1234 Address
- 1 Lot Number



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## PLANNING AND ZONING COMMISSION AGENDA ITEM

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12/16/13  
Item #4  
Regular Agenda  
Page 1 of 3

**APPLICANT/ DEVELOPMENT:** Bill Burden, Thomas Biodiesel, LLC

**CASE MANAGER:** Phillip Melton, Planning Intern

**ITEM DESCRIPTION:** Z-FY-14-13 Hold a public hearing to discuss and recommend action on a Conditional Use Permit for a biodiesel manufacturing plant on Lot 1, Block 1, Temple Industrial Park Section Eight on 7.00 +/- acres, located at 3289 & 3111 Eberhardt Road.

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval for a Conditional Use Permit for a biodiesel manufacturing plant for the following reasons:

1. The Conditional Use Permit is consistent with the Future Land Use Map which identifies this area as Industrial;
2. The request complies with the Thoroughfare Plan;
3. The proposed use is compatible with the surrounding uses; and,
4. Public facilities are available to serve the subject property.

**ITEM SUMMARY:** The property is located on the east side of Eberhardt Road adjacent and is currently addressed as 3289 & 3111 Eberhardt Dr. A re-plat for the site is currently under review and the address is subject to change if the plat is approved. The site is zoned Light Industrial and the applicant is requesting a Conditional Use Permit (CUP) for a recycling operation inside a building. A CUP is required for a biodiesel manufacturing plant (which is a recycling use) in the Light Industrial zoning district according to the Section 5.1 of the UDC. According to the City of Temple Comprehensive Plan / Future Land Use Plan, the subject property is designated Industrial.

The applicant is working with the Temple Economic Development Corporation (TEDC) to determine a location for their business and the TEDC has granted the 7 acre site to the applicant to establish a biodiesel business.

**PERFORMANCE STANDARDS:** All uses in industrial zoning must conform to the performance standards in Section 7.1 of the UDC. The following performance standards would apply to this Conditional Use Permit.

**Noise:** The applicant has indicated that the equipment that generates the most noise is located at distances far enough from the property line so that the decibel level will be considerably lower than 75 dB.

**Odorous Matter:** Vents will run to a thermal oxidizer as an odor mitigation measure. The applicant is also working with an odor control firm and will install recommended additional odor suppression systems if they are determined necessary.

**Fire:** Storage and use of all flammable liquids will conform to the standards and regulations of Chapter 12, Fire Prevention and Protection, of the Code of Ordinances.

**Vibration:** The applicant has indicated that the concrete will be designed to absorb any vibrations generated by the equipment and will not exceed the frequency ranges at the property line as specified in the UDC.

**LANDSCAPING:** The applicant has indicated the following landscaping standards in UDC Section 7.5 will be met:

- A minimum of 5% of the lot area will be landscaped;
- A minimum of one 2" diameter or 65 gallon tree at time of planting will be planted for each 40 feet of linear street frontage; and,
- All landscaping will be irrigated.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

CP	Map 3.1 - Future Land Use and Character (FLUP)	Industrial is identified for the subject property as well as identified in all four directions from the subject property.	Y
CP	Map 5.2 - Thoroughfare Plan	The subject property is located on the east side of, and has primary frontage on, Eberhardt Road which is identified as a Minor Arterial.	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Sufficient utilities are in place to accommodate the proposed use of the property. The property is served by an 18" water line along Eberhardt Rd. and a 6" waterline along the south side of the property. An 8" sewer line is available to the property on the north side of the property and a 6" sewer line is available on the south side of the property.	Y
STP	Temple Trails Master Plan Map & sidewalks	No existing or proposed trails were identified in the Trails Master Plan Map along the subject property's frontage on Eberhardt Rd. and sidewalks are not required along this road per UDC Section 8.2.	Y

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

**DEVELOPMENT REGULATIONS:** The only established dimensional standards in Heavy Industrial are corner side yard setbacks which must be a minimum of 10'. As per UDC 4.6, the maximum building height may be any legal limit that other laws and ordinances do not prohibit.

Unless expressly identified in writing in the ordinance the site must meet all other UDC standards.

**PUBLIC NOTICE:** Eight notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of December 13, 2013, no notices had been returned in favor or denial of the proposed zone change and Conditional Use Permit.

The newspaper printed notice of the Planning and Zoning Commission public hearing on December 2, 2013, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Site Plan  
Site Photos  
Zoning Map  
Buffer Notification Map

File Name: 113023000-101.DWG  
 User Name: glee  
 Date: 11/12/13 Time: 10:54am Scale: 30.0

**TOTAL PARKING REQUIRED**

INDUSTRIAL USES	AREA (GFA)	SPACES REQUIRED
OFFICE BUILDING	7,100 S.F.	1 SPACE REQUIRED PER 500 S.F. GFA (PER UDC 7.5.4)
MECHANICAL & MAINTENANCE BUILDINGS	2,400 S.F.	
MCC ROOM	480 S.F.	
<b>TOTAL</b>	<b>9,980 S.F.</b>	<b>20 SPACE</b>

**LEGEND**

- WW — WASTEWATER LINE
- SD — STORM SEWER LINE
- W — DOMESTIC WATER LINE
- F — FIRE PROTECTION WATER LINE
- 10' CURB INLET
- GRATE INLET
- STORM WATER MANHOLE
- FIRE HYDRANT
- DOMESTIC WATER METER
- BACKFLOW PREVENTER (BFP)
- IRRIGATION METER
- REDUCED PRESSURE PRINCIPLE BFP IN HOT BOX FOR IRRIGATION
- WASTEWATER MANHOLE
- X — CHAIN LINK SECURITY FENCE
- — — EXISTING PROPERTY LINE
- - - - EXISTING EASEMENT LINE
- - - - PROPOSED PROPERTY LINE
- L I LIGHT INDUSTRIAL ZONING
- TREE

**SITE LOCATION / LEGAL DESCRIPTION**

**EXISTING LOT 1**  
 STREET ADDRESS: 3289 EBERHARDT RD., TEMPLE, TX  
 LEGAL DESCRIPTION: TEMPLE INDUSTRIAL PARK SECTION EIGHT, BLOCK 001, LOT PT 1, ACRES 3.179

**EXISTING LOT 2**  
 STREET ADDRESS: 3111 EBERHARDT RD., TEMPLE, TX  
 LEGAL DESCRIPTION: TEMPLE INDUSTRIAL PARK SECTION EIGHT, BLOCK 001, LOT PT 1, (S PT OF 1), ACRES 9.743

**PROPOSED LOT**  
 APPROXIMATE SITE AREA: 7 ACRES

**PAVEMENT SECTION**

LOCATION	PAVEMENT	BASE	COMPACTED SUBGRADE
REINFORCED CONCRETE PARKING	6"	6"	6"
REINFORCED CONCRETE DRIVES AND LOADING AREAS	7"	6"	6"

- SPECIFICATIONS**
- REINFORCED CONCRETE PAVEMENT-RCP IN ACCORDANCE WITH TXDOT ITEM 360. CONCRETE PAVEMENT THE CONCRETE SHALL BE CLASS P IN ACCORDANCE WITH TXDOT ITEM 421. PORTLAND CEMENT CONCRETE.
  - CRUSHED LIMESTONE BASE MATERIAL -2004 TXDOT ITEM 247, TYPE A, GRADE 2 OR BETTER. THE MATERIAL SHOULD BE COMPACTED IN LIFTS NOT TO EXCEED 6 INCHES COMPACTED THICKNESS AT A MINIMUM OF 100% OF TEX-113-E MAXIMUM DRY DENSITY. NEAR OPTIMUM MOISTURE CONTENT (+/- 4%)
  - NATURAL SUBGRADE-THE NATURAL SUBGRADE THAT IS DISTURBED SHOULD BE COMPACTED TO AT LEAST 95% OF TEX-113-E MAXIMUM DRY DENSITY AT A MOISTURE CONTENT RANGE OF -1.0% TO +3.0% OF OPTIMUM MOISTURE CONTENT.

- PAVEMENT NOTES:**
- CONTRACTOR TO PROVIDE NEW STRIPING AT ALL CROSSWALKS, PARKING AREAS, AREAS AND ANY AREAS WHERE TEMPORARY STRIPING IS REQUIRED.
  - AT CONNECTION OF NEW REINFORCED CONCRETE DRIVES TO EXISTING CURB AND GUTTER, SAW CUT EXISTING CURB AND GUTTER AND INSTALL DOWELED EXPANSION JOINT.
  - ALONG THE FACE OF DRIVEWAY CURB, THE CONTRACTOR SHALL BE RESPONSIBLE TO PAINT THE CURB RED OR PAINT A RED STRIPE WHERE THERE IS NO CURB AND STENCIL TO PAINT THE WORDS "FIRE ZONE / TOW AWAY ZONE" IN WHITE LETTERS AT LEAST 4" HIGH AT 30' INTERVALS.
  - ALL PAVEMENT REPAIR WORK FOR THE INSTALLATION OF UTILITIES IN THE PUBLIC RIGHT-OF-WAY SHALL BE DONE IN ACCORDANCE WITH THE CITY OF TEMPLE STANDARDS & SPECIFICATIONS.
  - ALL EXPANSION AND CONTRACTION JOINTS WITHIN PORTLAND CEMENT CONCRETE PAVEMENT AND JOINTS BETWEEN PORTLAND CEMENT CONCRETE AND ASPHALT PAVEMENT SHALL BE SEALED.
  - INSTALL ALL UTILITIES, INCLUDING UNDERGROUND ELECTRICAL AND COMMUNICATION LINES PRIOR TO PAVING.

- NOTES:**
- 6 FEET IN HEIGHT CHAIN LINK SECURITY FENCE SHALL BE INSTALLED ALONG THE INSIDE OF PROPERTY LINES.
  - THE DETENTION POND WILL BE DESIGNED WHEN THE ON THE GROUND TOPOGRAPHIC SURVEY IS PROVIDED BY THE OWNER INDICATING EXISTING SITE CONTOURS AND FLOW LINE ELEVATIONS FOR THE POTENTIAL DISCHARGE ROUTES FOR THE POND OUTLET AND STORM WATER CONVEYANCE FROM THE PROPERTY.
  - FINAL DETENTION POND DESIGN MAY NOT REQUIRE BOTH PONDS AS SHOWN.
  - SITE LIGHTING WILL COMPLY WITH UDC § 7.1.8, UDC § 8.2.10.
  - INLETS COULD BE REPLACED WITH FLUMES TO PONDS, WHERE FEASIBLE.

- CHAPTER 7 UDC CONSIDERATIONS:**
- NOISE - THE EQUIPMENT THAT GENERATES THE MOST NOISE IS LOCATED AT DISTANCES FAR ENOUGH FROM THE PROPERTY LINE SUCH THAT THE DECIBEL LEVEL WILL BE CONSIDERABLY LOWER THAN 75.
  - ODOR - THE VENTS RUN TO A THERMAL OXIDIZER AS AN ODOR MITIGATION MEASURE. IN ADDITION WE ARE WORKING WITH A NATIONALLY RECOGNIZED ODOR CONTROL FIRM WHO WILL RECOMMEND TO US ADDITIONAL ODOR SUPPRESSION SYSTEMS (IF DETERMINED NECESSARY).
  - DUST/PARTICULATE MATTER - THE PROCESS IN THIS FACILITY GENERATES MINIMAL DUST.
  - VIBRATION - THE CONCRETE WILL BE DESIGNED TO ABSORB ANY VIBRATIONS GENERATED BY THE EQUIPMENT.

- LANDSCAPING NOTES (PER UDC 7.4):**
- REQUIRED LANDSCAPE AREA (FIVE PERCENT OF THE LOT AREA) MUST BE PROVIDED BETWEEN THE PRINCIPAL BUILDINGS AND THE STREETS.
  - A MINIMUM OF ONE TREE IS REQUIRED TO BE PLANTED FOR EACH 40 FEET OF LINEAR STREET FRONTAGE.
  - ALL REQUIRED CANOPY TREES MUST BE A MINIMUM OF TWO INCHES IN DIAMETER (SINGLE TRUNK) AT BREAST HEIGHT OR 85 GALLON CONTAINER SIZE AT PLANTING.
  - ALL REQUIRED LANDSCAPING MUST BE IRRIGATED BY AN AUTOMATIC SPRINKLING SYSTEM OR HAVE ACCESS TO A HOSE CONNECTION WITHIN 100 FEET OF ALL LANDSCAPING.

**PageSouthernlandPage**  
 ARCHITECTURE INTERIORS CONSULTING ENGINEERING

**AUSTIN** PAGE SOUTHERLAND PAGE, LLP  
 400 W. Cesar Chavez Street  
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 tel: 512 472 6721

**DALLAS** Donia  
 Kinnaird  
 London  
 www.pspaec.com

**DENVER**

**HOUSTON**

**WASHINGTON D.C.**

**THOMAS BIODIESEL PLANT  
 PRELIMINARY PLAN**

3111 AND 3289 EBERHARDT ROAD  
 TEMPLE, TEXAS

**REVISION HISTORY**

REVISION LEVEL	ISSUE NAME	ISSUE DATE
1	CONCEPTUAL PLAN - R1	7/18/2013
0	CONCEPTUAL PLAN	6/25/2013

**PROFESSIONAL SEALS**

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**PRELIMINARY PLAN**

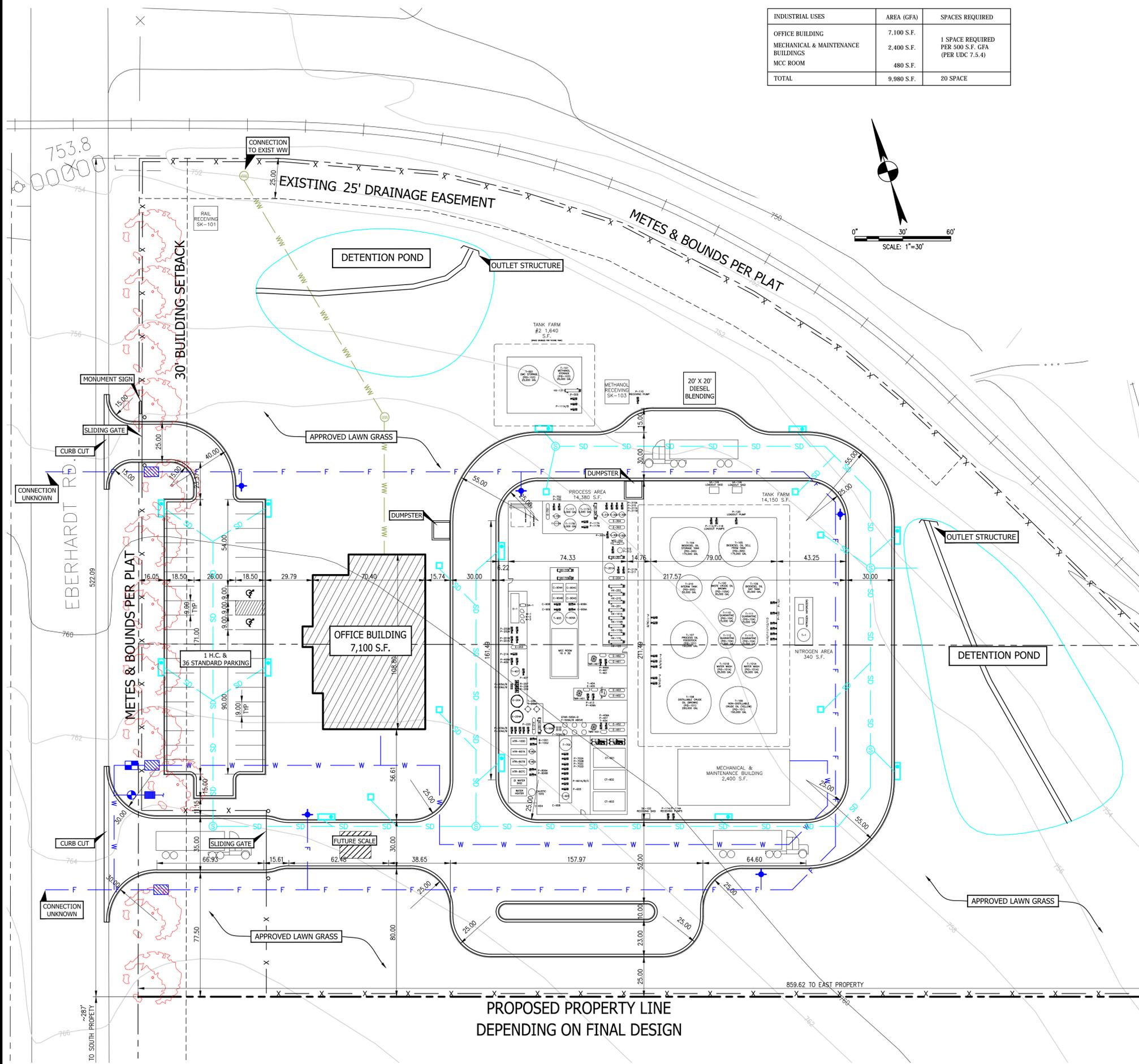
NOV 12, 2013

DRAWN BY	CHECKED BY
ERM	JCA

PROJECT NUMBER	PROJECT ABBREVIATION
10000BD	

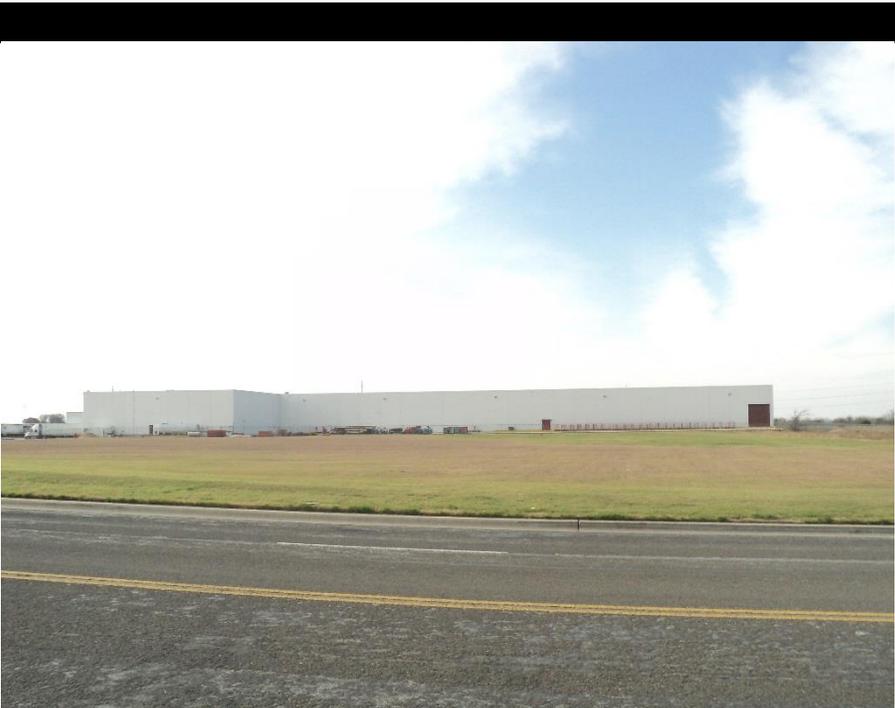
ORIGINAL ISSUE	CURRENT DOCUMENTATION STAGE
6/25/2013	PROPOSAL

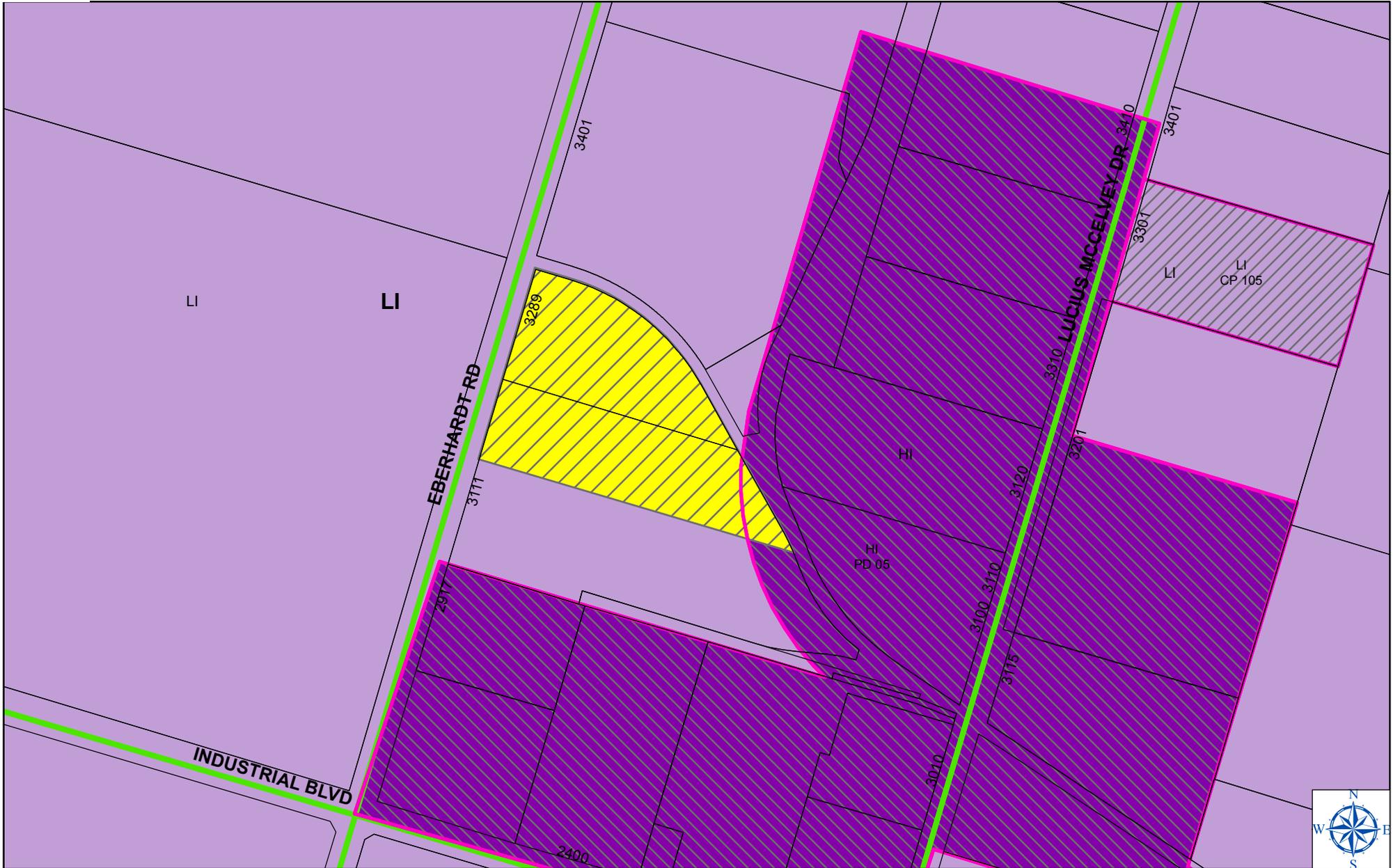
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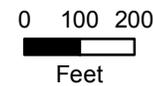
PROPOSED PROPERTY LINE  
 DEPENDING ON FINAL DESIGN

Direction	Zoning	Current Land Use	Photo
Subject Property	LI	Vacant	
North	LI	Industrial	

Direction	Zoning	Current Land Use	Photo
South	LI	<p>Directly adjacent of the subject property: Vacant.</p> <p>Beyond the vacant parcel: industrial use (Pictured)</p>	
East	HI	Rail Road/ Industrial use	No Photo Available
West (Across Eberhardt Rd.)	LI	Industrial	

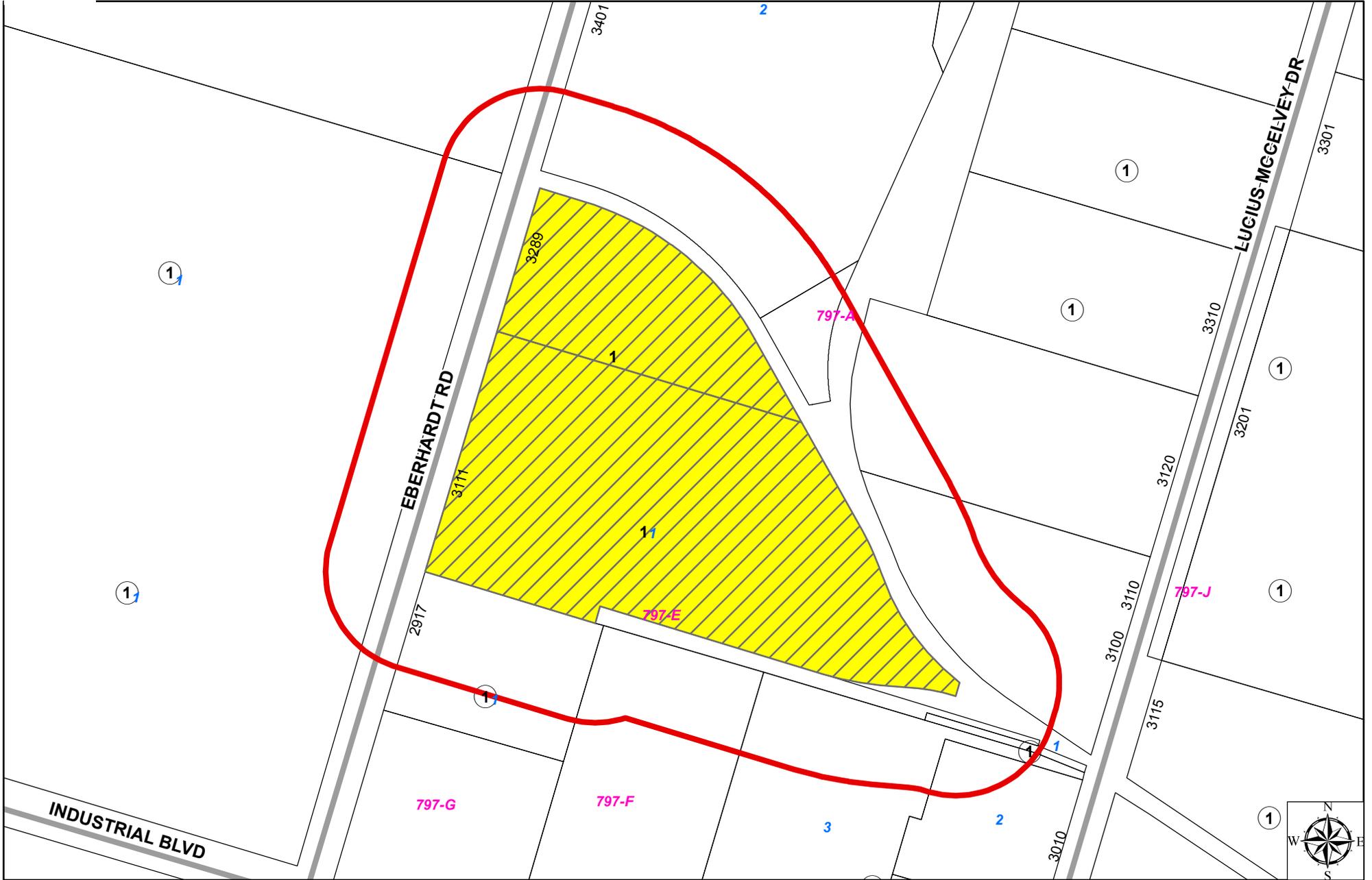


- Parcel
- Subdivisions
- Zoning
- Expressway
- Major Arterial
- Proposed Major Arterial
- Proposed K-TUTS
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Conceptual Collector
- Case

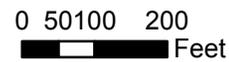


12/13/2013  
City of Temple GIS

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	Case		Subdivisions		1234-A Outblocks		Blocks
	Zoning		Parcel	1234	Addresses		Lots



11/25/2013  
City of Temple GIS

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# PLANNING AND ZONING COMMISSION AGENDA ITEM

12/16/13  
Item #5  
Regular Agenda  
Page 1 of 3

**APPLICANT:** Planning & Zoning Commission

**CASE MANAGER:** Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** Receive and discuss the Planning Director's Report containing items for future meetings regarding subdivision plats, zoning cases, conditional use permits, annexations, and proposed text amendments to the Unified Development Code (UDC).

**BACKGROUND:** The Planning & Zoning Commission will consider several items at future meetings which may also require City Council review for a final decision, shown on the following table.

Future Commission Projects	Status	Applicant
<b>Z-FY-13-29</b> – Hold a public hearing to discuss and recommend action on a zone change for ± 26.88 acres of land from AG to SF-2, being part of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located South of Poison Oak Road, east of South Pea Ridge Road	P&Z 12/16/2013 PZC 1/06/14	Glynn Cummings
<b>P-FY-13-44</b> - Consider and take action on the Final Plat of The Ranch At Woodland Trails Phase II, a ± 13.545 acre, 20-lot, 1-block, residential subdivision, located west of Canyon Trail and west of FM 2271, located in Temple's western E.T.J.	DRC 9/25/13 2 <sup>nd</sup> DRC 10/22/13 PZC 1/06/14	Jason Carothers
<b>P-FY-13-45</b> - Consider and take action on the Final Plat of Gillmeister Addition Phase Two, a 5.582 ± acre, 3-lot, 1-block nonresidential subdivision located along the southwest corner of Gillmeister Lane and South General Bruce Dr.	DRC 9/25/13 Pending	All County Surveying for Leonard Gillmeister
<b>P-FY-13-46</b> - Consider and take action on the Preliminary Plat of Shiloh Terrace Phase Four, a 27.84 ± acre, 42-lot, 2-block, residential subdivision located on the north side of Sparta Road, west of Water Works Road in Temple's Western E.T.J.	DRC 9/25/13 Pending	Robert Mitchell for James Herring
<b>P-FY-14-01</b> - Consider and take action on the Final Plat of JENCER Addition, a 28.29 ± acres, 2-lot, 1-block, nonresidential subdivision, located on the south side of Industrial Boulevard, along the east side of the Burlington Northern Santa Fe Railroad, and on the north side of I-35.	DRC 10/22/13 Pending	Chuck Lucko for Arthur Brashier
<b>P-FY-14-03</b> – Consider and take action on the Final Plat of The Meadows at Creekside, a 41.941 acre, 123 lot, 6 block, residential subdivision, located on the north side of Case Road.	DRC 11/06/13 Needs 2 <sup>nd</sup> DRC	Corry Herring

<b>P-FY-14-05</b> - Consider and take action on the Final Plat of Fettig Subdivision, a 3.00 ± acre, 3 lot residential subdivision located at the northeast corner of West Adams Avenue and Beaver Loop.	DRC 11/20/13 PZC 2/17/14	Monty Clark for Michelle Fettig
<b>P-FY-14-07</b> - Consider and recommend action on the final plat of Airport Park at Central Pointe, Phase 1, a 19.505 +/- acres, 3-lots, 1 block, non-residential subdivision.	DRC 12/4/13 Pending	The Wallace Group
<b>P-FY-14-08</b> - Consider and recommend action on the Preliminary Plat of The Plains At Riverside, a 49.979 +/- acres, 200-lots, 7-blocks residential subdivision, located at the southeast corner of South Pea Ridge Road and Old Waco Road.	DRC 12/4/13 2 <sup>nd</sup> DRC Pending	Turley Associates
<b>P-FY-14-10</b> - Consider and take action on the Final Plat of Cedarbrake Retreat Addition, a 43.261 +/- acres. 1-lot, 1-block nonresidential subdivision, being part of the John J. Simmons Survey, Abstract No. 737, located on the west side of State Highway 317, south of FM 2305.	DRC 12/20/13	Rev. Michael Sis - Catholic Diocese of Austin
<b>P-FY-14-11</b> - Consider and take action on the preliminary plat of Legacy Ranch, a 103.07 +/- acres, 181 lots, 12 blocks, mixed use subdivision	DRC 12/20/13??	All County Surveying
<b>Z-FY-14-16</b> – Hold a public hearing to discuss and recommend action for a zoning change from Heavy Industrial (HI) to Planned Development (PD-HI) in the I-35 Corridor Overlay on 2.00 +/- being a tract of land out of and a part of the George Givens Survey, Abstract No. 345, addressed as 4206 South General Bruce Drive.	DRC 12/20/13	Jason Dohnalik
<b>Z-FY-14-17</b> - Hold a public hearing to discuss and recommend action on a Conditional Use Permit (CUP) to construct a freestanding 180 foot personal wireless cell tower and ground equipment on a tract of land situated in the John J. Simmons Survey, Abstract No.737, located at 7378 State Highway 317.	DRC 12/20/13	Dave Kirk
<b>Z-FY-14-18</b> - Hold a public hearing to consider and recommend action on a zone change from Agricultural District (AG) to Planned Development (Mixed Use) District on 103.07 +/- acres being part of the Redding Roberts Survey, Abstract 692, Bell County, Texas, located at the northwest corner of FM 1741 (South 31st Street) and FM 93.	Pending	Kristine Andrews
<b>O-FY-14-03</b> - Consider adopting a resolution authorizing an Appeal of Standards in Section 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping etc.	DRC 12/20/13	Brian Worsham

City Council Final Decisions	Status
<p><b>Z-FY-13-33</b> - Consider adopting an ordinance authorizing a zone change from Light Industrial (LI) to Heavy Industrial (HI) with a Conditional Use Permit to operate a heat kiln and wood chipper on 19.68 ± acres of the Nancy Ferguson Survey, Abstract No. 322, in Bell County Texas, located at 1407 Industrial Boulevard.</p>	<p>APPROVED at 1<sup>st</sup> Reading on December 5, 2013</p>
<p><b>Z-FY-14-02</b> - Consider adopting an ordinance authorizing a zone change from a combination of Light Industrial (LI) and Commercial District (C) to Multiple Family Dwelling One (MF-1) District to Lots 3 and 4, Block 12, Northwest Hills, 1st Extension Replat of Blocks 11 &amp; 12, addressed as 2201 and 2205 Valley Forge Avenue.</p>	<p>APPROVED at 1<sup>st</sup> Reading on December 5, 2013</p>
<p><b>Z-FY-14-03</b> - Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be more than 50% and less than 75% of the gross revenue for The Patio On Main Restaurant/Bar, on Lot 15, Block 21, Temple Original Town, located at 12 South Main Street.</p>	<p>APPROVED at 1<sup>st</sup> Reading on December 5, 2013</p>



**PLANNING AND ZONING COMMISSION  
MEETING EVALUATION  
December 16, 2013**

**Rating Scale**

**Excellent    Average    Poor**

- 1. What is your overall rating of the P & ZC's Meeting?
- 2. How would you rate the content of the staff's reports?
- 3. How would you rate the clarity of the meeting agenda?
- 4. How would you rate the staff presentation?

Excellent	Average	Poor

5. In what ways did tonight's meeting meet (or not meet) your expectations?

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6. Please provide any comments and suggestions that you feel would be useful for the next meeting (content, speakers, materials, resources, etc.).

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P&Z COMMISSION ATTENDANCE

2013																
	Jan 7	Jan 22	Feb 4	Feb 19	Mar 4	Mar 18	Mar 26	Apr 1	Apr 15	May 6	May 20	June 3	June 17	P	A	
James Staats	P	No Meeting Held	P	P	P	P	P	A	P	P	P	A	P	9	2	
Allan Talley	P		P	P	P	P	P	P	P	A	P	A	P	9	2	
Derek Martin	A		P	A	P	P	P	A	P	P	P	A	P	6	5	
Will Sears	P		A	P	P	A	P	P	P	P	P	P	P	9	2	
Greg Rhoads	P		P	P	P	A	A	P	P	P	P	A	P	8	3	
David Jones	P		P	P	P	P	A	P	P	P	P	P	P	10	1	
Chris Magaña	P		P	A	P	A	A	P	P	P	P	A	P	7	4	
Randy Harrell	A		P	P	P	P	P	P	P	P	P	P	P	10	1	
Patrick Johnson	P		P	A	P	P	P	P	A	P	A	P	P	8	3	
Special Called Meeting																

	July 1	July 15	Aug 5	Aug 19	Sept 3	Sept 16	Oct 7	Oct 22	Nov 4	Nov 18	Dec 3	Dec 16	P	A
James Staats	P	P	P	P	P	P	A	P	P	P	P		19	3
Allan Talley	P	P	P	P									11	2
Derek Martin	P	A	A	P									7	6
Will Sears	P	P	P	P	P	P	A	P	P	P	A		18	4
Greg Rhoads	P	P	P	P	A	A	P	P	P	P	P		17	7
David Jones	P	P	P	P	P	P	P	P	P	P	P		21	1
Chris Magaña	P	P	P	P	P	P	P	P	A	A	A		15	7
Randy Harrell	P												11	1
Patrick Johnson	A	P	P	P	P	P	P	P	P	P	P		18	5
Thomas Rehak					*	P							1	
Omar Crisp					*	P	P	P	A	A	P		4	2
Blake Pitts					*	P	P	A	P	P	P		5	1

not a Board member

Comm. Harrell resigned

\* New Commissioners appointed 9/2013